

UNITED STATES DISTRICT COURT

for the

Northern District of New York

UNITED STATES OF AMERICA

v.

CHRISTOPHER HOYT

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Defendant

Case No. 5:18-MJ-~~574~~ (ATB)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date(s) of September 2, 2017 through April 27, 2018 in the county of Oswego in the Northern District of New York the defendant violated:

Code Section
18 U.S.C. § 2252A

Offense Description
Distribution, Receipt, Possession of Child Pornography

This criminal complaint is based on these facts:

See attached Affidavit in Support of Criminal Complaint

Continued on the attached sheet.



Roni J. Dickhaut, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 10/3/2018



Judge's signature

City and State: Syracuse, New York

Hon. Andrew T. Baxter, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

I, Roni J. Dickhaut, being duly sworn, declare and state as follows:

I. INTRODUCTION

1. I am a Special Agent (“SA”) with the Department of Homeland Security (“DHS”), United States Immigration and Customs Enforcement (“ICE”), Homeland Security Investigations (“HSI”), and am presently assigned to the HSI Alexandria Bay office in New York (“HSI Alexandria Bay”). I have been employed as a federal law enforcement officer since January of 2002. I successfully completed the US Customs Special Agent Training Program at the Federal Law Enforcement Training Center. Through my training, experience, and interaction with other Special Agents and law enforcement entities, I have become familiar with the methods of operation used by people who are involved with offenses involving the sexual exploitation of children; to include the use of the Internet to further those offenses. I have assisted, participated, and supported numerous investigations involving offenses related to the sexual exploitation of children, including conducting arrests, preparing and executing search warrants, and conducting surveillance. I am familiar with the facts and circumstances of this investigation because of my participation and discussions with other law enforcement officers involved with this investigation.

II. PURPOSE OF AFFIDAVIT

2. I make this affidavit in support of a criminal complaint charging Christopher HOYT with knowingly receiving child pornography using a means and facility of interstate and foreign commerce, and in and affecting such commerce, in violation of Title 18 United States Code, Section 2252A(a)(2)(A); and knowingly possessing child pornography that has been transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means, including by computer, in violation of Title 18 United States Code, Section 2252A(a)(5)(B).

3. The statements contained in this affidavit are based upon my investigation, information provided by other law enforcement officers, and on my experience and training as a Special Agent. As this affidavit is being submitted for the limited purpose of securing a criminal complaint and arrest warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that Christopher HOYT has violated Title 18, United States Code, Sections 2252A(a)(2)(A) and 2252A(a)(5)(B).

III. STATEMENT OF PROBABLE CAUSE

4. Tumblr reported to the National Center for Missing and Exploited Children (NCMEC), that on September 2, 2017 at approximately 12:09 AM EST, an image of child pornography was uploaded to their domain at URL: xlavawarrior.tumblr.com by user “xlavawarrior”, from IP address 142.105.238.182.

5. The image of child pornography uploaded by the user name “xlavawarrier” on September 2, 2017, was titled 164883484232.jpg and depicted what appeared to be a prepubescent, white female wearing only a shirt and sitting with her legs spread apart exposing her nude vagina in a lewd manner. The female appeared to be approximately 11 years of age. The image uploaded by the user name “xlavawarrier” was reviewed by NY State Police Trooper Henry Esche assigned to the Troop D Computer Crime Unit.

6. NY State Police advised that the IP Address associated with the user account that uploaded the image of child Pornography was 142.105.238.182, and according to the American Registry for Internet Numbers (ARIN), this IP Address was assigned to Internet Service Provider Time Warner Cable. A subpoena response from Time Warner Cable / Charter Communications, reported the IP address associated to the uploaded image to be assigned to the subscriber Del Hoyt with an address of 5 James Street, Pulaski NY 13142.

7. Tumblr further reported that the username “xlavawarrior” was associated with the email address beardfaner@gmail.com. NY State Police received a subpoena response from Google that the email address was associated with the name Christopher HOYT, and a recovery email address of ch_chris_hoyt@yahoo.com.

8. On April 27, 2018, NY State Police, with the assistance of Homeland Security Investigations, executed a NY State Search Warrant at 5 James Street, Pulaski, NY, the residence of Christopher HOYT.

9. During the execution of the warrant, Christopher HOYT provided a post *Miranda* sworn statement to NY State Trooper Henry Esche and NY State Investigator Michael Mierek. In the statement, HOYT admitted that he was using an application called “Wickr Me” on his cell phone (a Samsung 6) and his username was “lavawarrior.” HOYT advised officers that he met a user by the name “littleunderage” and that this user sent him three folders that contained thousands of pictures and videos of young girls that are minors and that are illegal. HOYT further admitted that in order to trade additional images, he sent user “littleunderage” two folders containing approximately 50 pictures and videos of naked young girls performing various sexual acts. HOYT further advised officers that he imported the folders into his mega account, which is a file storage application, and is where he stores the images.

10. During his sworn statement, NY State Trooper Esche showed HOYT a photograph of a young girl wearing a “Madagascar” shirt naked from the waist down. HOYT stated he remembered seeing the image on Tumblr. HOYT further stated he liked the image and reposted it on his own Tumblr account.

11. NY State Cyber Crime Unit conducted a partial examination of a cell phone located in HOYT’s bedroom. During a limited examination of the cellphone, law enforcement

discovered the following:

- a. The application “Wickr Me” and an account with the user name “lavawarrior.”

Within the “Wickr Me” application were chat communications with a user “littleunderage.”

The chat communications included, in part, the following:

Lavawarrior: I see your profile on Tumblr

Littleunderage: You like it?

Lavawarrior: Yes, I don’t have a very big collection myself but I’m always looking to improve it

Littleunderage: As am I. I’ll send you one

Lavawarrior: Ok

Littleunderage: (sends image of a white prepubescent female approximately 9 years of age standing nude in a shower.)

Lavawarrior: Nice

Lavawarrior: (sends an image of a white nude prepubescent female juvenile who appears to be approximately 4-5 years of age standing with her legs spread apart and is grabbing her nude vagina with her right hand)

Littleunderage: Lovely

Lavawarrior: Have you ever come across of little girls getting spanked

Littleunderage: (sends image of a nude white prepubescent juvenile female approximately 8-9 years of age laying on her back with her legs spread apart exposing her nude vagina in a lewd manner.)

Littleunderage: Not Yet

Lavawarrior: Tight little pussy

Littleunderage: Agreed

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Lavawarrior: Do you have any vids

Littleunderage: I do. Do you have mega? It's an app

Lavawarrior: I do Yes, I have the app, that is where my stuff is

Littleunderage: (send a link to Mega)

Lavawarrior: <https://mega.nz/#F!ZrY1STqY!MyZEylapYNLyeHvTmTFqeg>

Littleunderage: Great link you sent

Lavawarrior: ty, do you have more

Littleunderage: I do (sends another mega link)

Lavawarrior: Nice, I know I don't have anymore but do you have any if not it's fine

Littleunderage: (sends link to Mega)

Lavawarrior: You sent that already lol

Date indicator changed to "Today"

Littleunderage: I did my bad hold on

NOTE: The link "<https://mega.nz/#F!ZrY1STqY!MyZEylapYNLyeHvTmTFqeg>" sent by lavawarrior is to the folder titled ICQ located within the Mega account of xlavawarrior@gmail.com used and accessed by HOYT.

12. The Mega account for the user xlavawarrior@gmail.com was accessed and reviewed by New York State Police Investigator Michael Eckler. The contents of the Mega account include approximately 1900 image files and 122 video files. Upon a limited review of the files, the contents are consistent with images and videos depicting child pornography and images and videos

depicting child erotica.

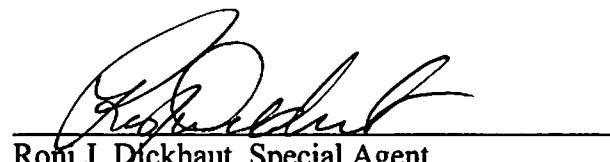
13. Within the ICQ folder, a folder titled “vids2” was observed and within the folder a video titled “New _ Amber - 7Yr Old Pedo-Preteen-Bondage_Selective Trade.wmv” was observed and viewed. The video is one minute and 13 seconds in length and is of a white nude prepubescent juvenile female who appears to be approximately 8 years old. The female has her hands bound to her ankles with tape and an adult male hand digitally penetrates the anus and rubs the vagina of the juvenile female.

14. The following images were observed Within the Mega account folder titled “baby”.

- a. Image titled “101_0277.jpg”. The image is a nude white prepubescent female toddler laying on her back touching an adult white male’s nude erect penis. The male’s penis is positioned above the female toddler’s vagina and being touched by the toddler’s left hand.
- b. Image titled 101_0403.jpg was observed. The image is of a nude white prepubescent female toddler being digitally penetrated by an adult male’s pinky finger.

IV.CONCLUSION

Based upon the above information, there is probable cause to establish that Christopher Hoyt violated Title 18, United States Code, Section 2252A(a)(2)(A) which prohibits knowingly receiving child pornography using a means and facility of interstate and foreign commerce, and in and affecting such commerce; and 2252A(a)(5)(B) which prohibits knowingly possessing child pornography that has been transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means, including by computer, and request that a criminal complaint be issued pursuant to these violations of federal law.



Roni J. Dickhaut, Special Agent
Homeland Security Investigations

Subscribed to and sworn before me
this 3rd day of October, 2018.



Hon. Andrew T. Baxter
U.S. Magistrate Judge